

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 CURTIS GUY,)

5 Petitioner,)

2:11-cv-1809-GMN-RJJ

6 vs.)

ORDER

7 RENEE BAKER, *et al.*,)

8 Respondents.)
9

10 This order is issued pursuant to Federal Rule of Civil Procedure 16(b), the Rules Governing
11 Section 2254 Cases in the United States District Courts, and Local Rule 16-1.

12 This action is a petition for writ of habeas corpus brought by Curtis Guy, a Nevada prisoner
13 sentenced to death. Guy initiated this action on November 9, 2011.

14 On February 9, 2012, the court held a status conference. Counsel for petitioner and counsel
15 for respondents appeared, and discussed the anticipated course of proceedings in this action. In light
16 of the representations of counsel at the status conference, the court sets a schedule for further
17 litigation of this action, as follows.

18 **IT IS ORDERED:**

19 1. **Amended Petition.** If necessary, petitioner shall file and serve an amended petition
20 for a writ of habeas corpus on or before **April 16, 2012**. The amended petition shall specifically
21 state whether each ground for relief has been exhausted in state court; for each claim that has been
22 exhausted in state court, the amended petition shall state how, when, and where that occurred. If
23 petitioner determines that an amended petition need not be filed, then, when the amended petition is
24 due, petitioner shall file and serve a statement to that effect.

25 2. **Response to Petition.** Respondents shall have **60 days** following service of the
26 amended petition to file and serve an answer or other response to the amended petition. If petitioner

1 does not file an amended petition, respondents shall have **60 days** following the due-date for the
2 amended petition to file and serve an answer or other response to the original petition, which was
3 filed on November 9, 2011.

4 3. **Reply and Response to Reply.** Petitioner shall have **45 days** following service of
5 an answer to file and serve a reply. Respondents shall thereafter have **30 days** following service of a
6 reply to file and serve a response to the reply.

7 4. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner
8 shall have **30 days** following service of the motion to file and serve an opposition to the motion.
9 Respondents shall thereafter have **30 days** following service of the opposition to file and serve a
10 reply.

11 5. **Discovery.** If petitioner wishes to move for leave to conduct discovery, petitioner
12 shall file and serve such motion concurrently with, but separate from, the response to respondents'
13 motion to dismiss or the reply to respondents' answer. Any motion for leave to conduct discovery
14 filed by petitioner before that time may be considered premature, and may be denied, without
15 prejudice, on that basis. Respondents shall file and serve a response to any such motion concurrently
16 with, but separate from, their reply in support of their motion to dismiss or their response to
17 petitioner's reply. Thereafter, petitioner shall have 20 days to file and serve a reply in support of the
18 motion for leave to conduct discovery. If the court grants petitioner leave to conduct discovery, the
19 court will then establish time limits for the completion of the authorized discovery.

20 6. **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing,
21 petitioner shall file and serve a motion for an evidentiary hearing concurrently with, but separate
22 from, the response to respondents' motion to dismiss or the reply to respondents' answer. Any
23 motion for an evidentiary hearing filed by petitioner before that time may be considered premature,
24 and may be denied, without prejudice, on that basis. The motion for an evidentiary hearing must
25 specifically address why an evidentiary hearing is required, and must meet the requirements of
26 28 U.S.C. § 2254(e). The motion must state whether an evidentiary hearing was held in state court,

1 and, if so, state where the transcript is located in the record. If petitioner files a motion for an
2 evidentiary hearing, respondents shall file and serve a response to that motion concurrently with, but
3 separate from, their reply in support of their motion to dismiss or their response to petitioner's reply.
4 Thereafter, petitioner shall have 20 days to file and serve a reply in support of the motion for an
5 evidentiary hearing.

6 7. **Status Reports and Status Conferences.** The court may from time to time, as the
7 need arises, schedule status conferences, and/or require the filing and service of status reports, in
8 order to manage the progress of this action.

9 DATED this 9th day of February 2012.

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13 Gloria M. Navarro
14 United States District Judge
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